

3272.2

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

PROGRESSIVE SPECIALTY INSURANCE CO.,)
Plaintiff,)
vs.)
DATWAY LLC, J.B. HUNT TRANSPORT, INC.,)
HIRSCHBACH MOTOR LINES INC., AND)
ERIC JEROME CAMPBELL SR.,)
Defendants.)

MOTION FOR VOLUNTARY DISMISSAL.

Plaintiff, Progressive Specialty Insurance Co. (Progressive), by one of its attorneys, Thomas L. Buck, Magnani & Wagner Ltd., moves to voluntarily dismiss this declaratory judgment action pursuant to Rule 41. In support thereof, Progressive states as follows:

1. Progressive filed this action to seek a declaration that it owes no duty to defend or indemnify Datway LLC (“Datway”) pursuant to a contract of insurance for a third-party complaint brought by Hirschbach Motor Lines Inc. (Hirshbach) and Eric Jerome Campbell Sr. (“Campbell”) in connection with lawsuits filed by Leron Lewis Jr. (“Lewis”) and Brandon Moffett (“Moffett”).

2. All matters in controversy between Datway and Hirshbach and Campbell have been settled, and the third-party complaint brought by Hirshbach and Campbell against Datway has been dismissed with prejudice. (Doc. 288 from 20-cv-1355-JPG attached as motion exhibit 1.)

3. With the dismissal of the tort action between Datway and Hirschbach and Campbell, there no longer exists an actual controversy between the parties to this action with regard to coverage for the dismissed claim.

Wherefore, plaintiff, Progressive Specialty Insurance Co., moves the Court to enter an order of voluntary dismissal of its complaint for declaratory judgment.

Respectfully submitted,

Artisan and Truckers Casualty Co.

ts/Thomas L. Buck

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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that he caused the foregoing Artisan and Truckers Casualty Co.'s motion for voluntary dismissal to be filed with the Clerk of the U.S. District Court for the Southern District of Illinois using the CM/ECF System which will send notification of such filing to all attorneys of record on this 16th day of April, 2024.

/S/ **Thomas L. Buck**
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